

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MARK IV ENTERPRISES, INC.;)	
LEGACY PROJECT RESOURCES,)	
LLC; and TONYA G. JONES,)	No. 3-12-0004
Plaintiffs)	
)	
v.)	
)	
BANK OF AMERICA, N.A.,)	
Defendant/Third-Party Plaintiff)	
)	
v.)	
)	
SUSAN N. BENNETT,)	
Third-Party Defendant ¹)	

ORDER

On January 17, 2014, the plaintiffs filed a motion for order allowing voluntary dismissal (Docket Entry No. 99), to which the defendant has responded, agreeing to dismissal but opposing a dismissal without prejudice (Docket Entry No. 101).²

Inasmuch as it appears that this case will be dismissed either with or without prejudice, the telephone conference call, scheduled by order entered January 8, 2014 (Docket Entry No. 96), with counsel for the parties and the Court on March 5, 2014, is CANCELLED.

The Clerk is directed to forward the file in this case to the Honorable Todd J. Campbell for his consideration of the plaintiff's motion for voluntary dismissal and the defendant's response (Docket Entry Nos. 99 and 101).

Unless otherwise directed by the Court or upon motion of the parties, there will be no further proceedings before the Magistrate Judge in this case.

¹ The Clerk entered default against the third-party defendant on April 23, 2013. See Docket Entry No. 58.

² The Court assumes that, if the plaintiffs dismiss their claims against the defendant, the defendant will dismiss its third-party claim against Susan N. Bennett.

The Clerk is directed to send a copy of this order to third-party defendant Susan Bennett by regular, first class mail ONLY.

It is so ORDERED.



JULIET GRIFFIN
United States Magistrate Judge